

Appl. No. 10/683,830
Atty. Docket No. AA605M2
Amdt. dated 05/16/2006
Reply to Office Action of 12/16//2005
Customer No. 27752

REMARKS

Claims 1-20 are pending in this application. Claim 17 has been previously withdrawn from consideration, in view of a previous Restriction Requirement. Claims 1, 18 and 19 have been previously amended to further define the present invention. Specifically, Claims 1, 18 and 19 were previously amended to further define the cationic surfactant system wherein the cationic surfactant system is a mono-alkyl trimethyl ammonium salt.

Further, Claims 1, 18 and 19 have been previously amended to further define wherein the composition comprises from about 0.1% to about 20% of a silicone compound wherein the silicone compound is a hydrophobically modified amidomethicone copolyol.

Claims 1, 18 and 19 have also been previously amended to further define wherein the wherein the composition is transparent or translucent.

Claims 2, 8 and 10 have been previously canceled, whose matter was incorporated into the amended claims. Further, in view of the previously amended claims, Claims 11 and 12 have been previously canceled.

No fee is believed to be due and no new matter is being added.

35 U.S.C. § 102

1) Claims 1, 3-7, 9, 13-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,843,418 ('418). Applicant respectfully traverses this rejection as applied to in view of the arguments presented herein.

'418 discloses a vesicle system having a thickening system, which comprises a nonionic long-chain alkylated water soluble polymer and a specific cationic quaternary ammonium surfactant component dispersed in a compatible solvent.

The Examiner has asserted that since the essential elements of the '418 composition are identical to the instant composition, that is from 0.1% to about 10% by weight of a nonionic thickening polymer, 2) from about 0.1% to about 10% by weight of an unsaturated quaternary ammonium surfactant, and 3) an aqueous carrier, such as water, the composition would inherently have the same physiochemical properties as the compositions set forth in the instant application. Further, the Examiner has asserted that '418 further discloses that the composition can comprise a guar gum polymer and the cationic surfactant can be a mono-alkyl trimethyl ammonium salt having a chain from 16

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to 22 carbon atoms, a water soluble silicone compound, specific types of silicone materials including amodimethicone (column 14, lines 26-43), and humectants. The Examiner has asserted, inherently, the composition advanced by '418 is transparent and has a viscosity from about 2,000 to about 50,000mPa/s. As such, it is the Examiner's position, the composition advanced by '418 anticipates the compositions enumerated in the instant claim set.

However, as previously amended, the present invention is not disclosed by '418. Specifically, the present invention requires a silicone compound wherein the silicone compound is a hydrophobically modified amidomethicone copolyol. '418 does not teach or suggest this specific hydrophobically modified amidomethicone copolyol.

Although the Examiner has asserted that '418 discloses a variety of hydrophobically modified amidomethicone copolyols (Claim 25, column 14, line 27 - column 16, line 53 and column 21, line 37-column 22, line 56), those materials are different from hydrophobically modified amidomethicone copolyols that can be water-soluble/dispersible in a composition that the present invention claims. Those of Claim 25, column 14, line 27-column 16, line 53 in '418 are water-insoluble silicones or not-silicone *polyols* (emphasis added) with hydrophobically modified (long alkyl chains), although some have amine functionality. Such silicones will not deliver translucency in a composition.

Those of column 21, line 37-column 22, line 56 in '418 can be water-soluble silicones depending on copolymer ratio, however these are copolymers of a *vinyl polymer backbone* (emphasis added) grafted with silicone functionality and these materials are generally classified as different materials and have totally different material characteristic from the silicones in the present invention. Such vinyl polymers will not be able to deliver unique/superior conditioning performance like a silicone. Furthermore, such materials will not provide synergistic effect with cationic surfactants that the present invention teaches in view of conditioning + translucency.

Further, Applicant asserts that '418 is not substantially free of anionic compounds (e.g. in general Xanthan gum can be an anionic polymer). As taught in the present invention and claimed, substantially free of anionic compounds in addition to high melting point oily compounds is important for translucency. If those compounds exist in the formula, cationic surfactant and hydrophobically modified silicone copolyols can not

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associate effectively (for instance, cationic surfactants interact negatively with anionic polymers) and the composition loses the translucency. Composition of '418 will not be necessarily transparent inherently or devoted to transparency (e.g. at (b) in claim 1, a water-insoluble hair setting agent is disclosed, or some examples disclosed in '418 contain water insoluble silicones).

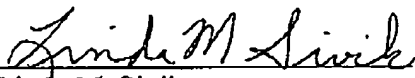
The present invention has found that this specific hydrophobically modified amidomethicone copolyol having a long alkyl chain provides improved conditioning benefits, as compared to other silicones which do not have such hydrophobic portions. Further, the present invention has been previously amended to require a cationic surfactant comprising a mono-alkyl trimethyl ammonium salt. This specific cationic surfactant having mono-long alkyl (and saturated alkyl) when combine with the hydrophobically modified amidomethicone copolyol, provides the composition with more clarity, compared to other cationic surfactants having di-long alkyl (and/or unsaturated alkyl). As previously amended, the present invention requires that the composition is transparent or translucent.

Therefore, '418 does not disclose the specific hydrophobically modified amidomethicone copolyol as required in the present invention; nor is '418 disclose compositions that are substantially free of anionic compounds. Therefore, '418 does not disclose nor make obvious the present invention. Applicant kindly request reconsideration and withdrawal of the 102(b) rejection.

Conclusion

Applicant has made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicant respectfully request reconsideration of this application, with drawl of the 102(b) rejection, and allowance of Claims 1, 3-7, 9 and 13-20.

Respectfully submitted,
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